A LAST WORD ON THE SOUTH CAROLINA LIQUOR LAW.

BY THE HON. B. R. TILLMAN, GOVERNOR OF SOUTH CAROLINA, AND THE HON. W. F. DARGAN, MAYOR OF DARLINGTON, S. C.

GOV. TILLMAN:

THE experiment of legislation for the control of the liquor traffic which has been made in South Carolina, during the year beginning July, 1893, has excited widespread interest. In previous articles in THE REVIEW I have given my opinion as to the merits of the Dispensary system, together with such facts as were then obtainable, tending to show the superiority of the Dispensary over the licensed saloon, from a temperance standpoint. Everything promised a speedy and almost total suppression of the illegal traffic in liquor, when, on April 19 last, the Supreme Court by a vote of two to one declared the Dispensary law unconstitutional.

It would be difficult to describe the surprise and disgust manifested by a large majority of our people when this intelligence reached them. The constitutionality of the law had been sustained by the United States Circuit judge; seven out of eight of the State Circuit judges had sustained the law; the Liquor Dealers' Association, of Charleston, had employed the best legal talent in the State, and had received it as the opinion of the attorneys that the law was impregnable and could not be attacked on its constitutionality. The Supreme Court itself, in a previous case arising under it, in May, 1893, unanimously declared:

"The only question really involved here is whether said act violates the constitution in forbidding the granting of licenses to retail spirituous liquors beyond the 30th day of June, 1893, and to that question we have confined our attention, and have reached the conclusion that the said act, *being in effect an act to regulate the sale of spirituous liquors*,—to do which is

universally recognized,—it is quite clear that there is nothing unconstitutional in forbidding the granting of licenses to sell liquor except in the manner prescribed in the act."

To aggravate the situation the division between the judges was along political lines, the dissenting judge, who upheld the constitutionality of the law, being a reformer, or "Tillmanite," while the two controlling judges are "antis," and belong to the old *régime*. The friends of the law naturally denounced the decision as a political and partisan one, and the change of base by the judges from the position held in the previous May, in the Chester case, already cited, together with the forced and inconsequential arguments adduced to sustain it, lend color to the charge.

For far-fetched, unnatural, and strained construction and illogical deductions, this decision will stand as a monument to show how far judges will go when prejudices or feelings are allowed to influence their minds. Goodwin says of Lord Coke that "where precedent failed, he had recourse to the invention of a principle to justify him in deciding as he pleased." Our Court has gone further than this. It has "invented" new principles and overturned the best established old ones to find excuse for this decision. It out-herods Herod and out-cokes Coke; and so muddy was the decision that no two lawyers in the State could agree as to what was the *status* of the liquor traffic under it. The only thing made clear was that the Court declared the Dispensary law to be unconstitutional.

Let it be understood that the Act upon which they were passing was the first Dispensary law, approved December 24, 1892. After considering the law in all its bearings and having had experience of its benefits for six months, the General Assembly had strengthened it, clarified it, and improved it in December last. As every question of constitutionality had been presented to the Court in May, 1893, two months before the law was to go into effect, if the Court had any doubt as to its constitutionality it was clearly its duty to stop the State from committing the wrong of "driving its citizens out of business" and of "monopolizing" the liquor traffic for itself. But the judges could not then see as clearly as they did a year later, when they asserted that "the Dispensary law conflicts with the following sections of our State constitution:

Article I, Section 1: "All men are born free and equal—endowed by their Creator with certain inalienable rights, among which are the rights of

enjoying and defending their lives and liberties, of acquiring, possessing, and protecting property, and seeking and obtaining their safety and happiness."

Section 14 of the same article: "No person shall be despoiled or dispossessed of his property, immunities, or privileges, or deprived of his life, liberty, or estate, but by the judgment of his peers or the law of the land."

In order to present the arguments which I shall advance to show the constitutionality of the law, I must briefly give the grounds upon which the Court overthrew it. Quoting the above paragraphs from the State constitution, they next declare the law to be in conflict also with the following from the 12th section of Article I: "No person shall be prevented from holding, acquiring, and transmitting property." After expatiating on the inalienable right of personal liberty and private property, the court quotes with unction the following from Mr. Justice Bradley (*First Abbott's U. S. Reports* 388):

"There is no more sacred right of citizenship than the right to pursue unmolested a lawful employment in a lawful manner. It is nothing more nor less than the sacred right of labor."

The idea of speaking of the liquor traffic as an inalienable right of "personal liberty and private property," or describing a bar-keeper standing behind his counter and dishing out poison as one of those possessing the "sacred right of labor"! To bolster the claim that the liquor business is legitimate, the Court then cites the decision of the United States Supreme Court, Leisy vs. Hardin (135 *U. S., page* 100). This is the celebrated "original package" case from Iowa. The Court ignores altogether the fact that Congress by the Wilson Act has overridden the Supreme Court in that case and has expressly placed whiskey under the absolute and direct control of the State Legislatures, possessing none of the rights attaching to any of the ordinary articles of merchandise under the Interstate Commerce law.

The judgment goes on floundering from one *non-sequitur* to another, and announces the following:

"Now, while the power of the legislature to enact such laws as may be deemed necessary and proper to regulate the sale of intoxicating liquors by any person within the limits of the State, in order to prevent or at least to reduce as far as possible the evils which are apt to flow from such a traffic, is conceded, yet we cannot regard the Dispensary law as such an act."

Indeed it must be a contradiction in terms to speak of an act of such a character as this is as an act to regulate the sale of liquor by the people of the State, for it is difficult to see how an act forbidding a sale can be regarded as an act regulating such sale.

That which is forbidden cannot well be regulated. This is the very profundity of legal acumen and common-sense! If liquor is forbidden to be sold by any one, excepting bonded State officers, and those officers are forbidden to sell it unless it has been chemically analyzed and placed in certain sized sealed packages to be sold within certain hours at a certain price, under restrictions naming the purchaser of every package—minors and drunkards being barred the right to purchase—if this is not a well-regulated business I would like to know the meaning of the word "regulated." But the Court proclaims aloud: "You have created a monopoly, and the State usurps the inalienable right of her citizens." Let us see. A monopoly, in law, is a franchise or privilege enjoyed by some one person or corporation, from which all others are shut out. How can the State government, which is the representative of all the people when it assumes control of a recognized nuisance to protect the people, and uses the emoluments of the business as a fund in the State Treasury for the benefit of all the people, be said to create a monopoly? If a monopoly at all, it is a monopoly of the whole for the benefit of the whole, both as a matter of police regulation and as a matter of profit, and is the very antithesis of a monopoly. As the profit feature is purely a matter of administration and may be destroyed, and a loss created by a change in the price, there is no principle involved; and when the Court announces, as it does, that if there were no profit in the business it would be constitutional, it surrenders its whole contention.

Discussing the question of the State going into business in competition with its citizens, the Court tells us that this is unconstitutional. It is idle to deny, for our experience of nine months has shown it to be true, that the State alone can handle the liquor traffic as a business with any degree of satisfaction in minimizing the nuisance inherent in it. When licenses were required and liquor allowed to be sold only in incorporated towns, as was the law here prior to the Dispensary system, a monopoly was created in two ways. The towns had a monopoly as against the country (decided by this same Court to be constitutional), and those who obtained licenses, which were fixed according to the judgment of the municipal authorities, obtained a monopoly under protection of the State law, for which a price was paid, and the State was bound to see this monopoly protected. There were

regulations, both municipal and legislative, against sales on Sunday and sales to minors. They have never been enforced, and experience shows that they cannot be enforced, simply because of the political influence exercised by the barkeepers upon the officers charged with that duty. It cannot well be claimed then that the sale of liquor by the State is a "business" in the ordinary acceptance of the term. She assumed control for a specific purpose; that of policing and regulating the traffic. The profit is an incident and, as I have shown, may be eliminated; but is necessary, in the interest of temperance, to prevent the encouragement of consumption by making the liquor too cheap. But it is not such a bad thing, nor has it been held unconstitutional by our courts, State and national, for the United States Government or for the State governments to go into "business." The United States Government is in the business of transporting the mails, has made it a monopoly, and protects that monopoly by stringent laws. It is in the business of manufacturing arms and building ships. It is in the business of printing and engraving. The United States also went into the business of building railroads, very extensively, about twenty-five years ago, (and giving them away,) if not directly, still indirectly. The State of New York long ago went into the business of building canals, greatly to the benefit of her people; the State of Georgia went into the business of building railroads direct, and still owns a line from Atlanta to Chattanooga, worth nine million dollars. None of these things has been considered unconstitutional. But whenever society has attempted, through legislation, to stifle the evils of the liquor traffic the courts have always been prone to throw obstacles in the way and place the constitution, State or national, in the pathway of reform. It is a sacred word, but many sins are committed in its name.

Our Court has reversed its own opinion inside of twelve months. It has enunciated doctrines of law, in its recent decisions, that are contrary to all the accepted principles and repeated decisions of the United States Supreme Court. Take this opinion for instance. On the question of the "inalienable right" of the citizen to sell liquor, upon which so much stress has been laid, in Mugler vs. Kansas (123 *U. S.*), Mr. Justice Harlan said:

"Such a right does not inhere with citizenship, nor can it be said that

the government interferes with or impairs any one's constitutional rights of liberty or of property when it determines that the manufacture and sale of intoxicating drinks for general or individual use as a beverage is or may become hurtful to society, and constitutes therefore a business in which no one may engage."

Again, Mr. Justice Field, in Crowley vs. Christiansen (137 *U. S. Reports*, 91):

"Their sale in that form may be absolutely prohibited. It is a question of public expediency and public morality and not of federal law. The police power of the State is fully competent to regulate the business, to mitigate its evils, or to suppress it entirely. There is no inherent right in a citizen to sell intoxicating liquors by retail. It is not a privilege of a citizen of the state or of a citizen of the United States. The manner and extent of regulation rests in the discretion of the governing authorities."

Congress has since put liquor at wholesale or in original packages in the same category.

Then take this opinion on the constitutional power of the General Assembly of a State, in the case of Giozza vs. Tiernan (148 *U. S. Reports* 661), by Chief Justice Fuller:

"Irrespective of the operation of the federal constitution, and restrictions asserted to be inherent in the nature of American institutions, the general rule is that there are no limitations upon the legislative power of the legislature of a State, except those imposed by its written constitution. There is nothing in the Constitution of Texas restricting the power of the legislature in reference to the sale of liquor; and it is well settled that the legislature in that State has the power to regulate the mode and manner, and the circumstances, under which the liquor traffic may be conducted, and to surround the right to pursue it with such conditions, restrictions, and limitations as the legislature may deem proper."

It would be difficult to make language stronger or to put the question at issue in a more clear and convincing light. There is a radical distinction between the power of Congress, under the United States Constitution, and the powers of a Legislature of a State. In brief it is the accepted rule, and universally recognized, that the federal government has no rights, nor powers, and Congress cannot legislate, except under an explicit grant from the federal constitution; while the State Legislatures can do anything and enact any law not forbidden by the State constitutions. The sections of our State constitution which have been quoted by our Supreme Court as conflicting with the Dispensary law, and therefore nullifying it, can in reason receive no such interpretation. In fact they do not bear on the question at all.

Most men would no doubt contend for the inalienable right to drink whiskey; no sensible man, of this time, will contend for

an inalienable right to sell it. There being no prohibition, express or implied, in our constitution to prevent the State's selling liquor in the exercise of its police power, the argument falls to the ground; and the people, through their representatives, have the right to pass on the wisdom or unwisdom of the law in question. It is usurpation pure and simple, for the judges to stand up and say to them, "You shall not regulate the liquor traffic in this manner."

Will the people of South Carolina submit to this? is the question that mostly interests the outside world. Unless I am egregiously mistaken, they will not. Once before when our Supreme Court, in 1832, attempted this kind of usurpation the Legislature met and abolished the Court. The people in the United States are the source of all political power. They are greater than constitutions and courts. They make and can unmake both. Fortunately, at the coming election in this State, the question of calling a constitutional convention will be voted on. The Dispensary will be one of the principal issues in the campaign about to begin. The friends of temperance may rest easy. The South Carolina experiment is not dead, nor is it likely to die. The Dispensary law is stronger with the people since the decision of the Court than it was before; and if it be necessary to give the direct power to the State to enter into business, the people will incorporate it in the organic law. I repeat it as my deliberate judgment that the Dispensary system has come to stay, and that if it is not constitutional it will be made so. In face of the decisions I have cited, however, and the arguments advanced, it appears to me impossible for any reasonable man to deny that the law is a legitimate exercise of the police power, and that it is just as constitutional for the State to sell liquor as for the State to license its sale. If the State can prohibit its sale altogether—and this no one is bold enough to deny—the State can do anything less, for the whole is greater than any part.

B. R. TILLMAN.

MAYOR DARGAN:

GOVERNOR TILLMAN'S article entitled "Our Whiskey Rebellion" in the May number of the NORTH AMERICAN REVIEW is calculated to mislead the thinking public, and as a representative

of Darlington I feel it my duty to present a few facts, for the verification of which I invite investigation.

Our people are not champions of whiskey, and the men who dare maintain their rights as against Governor Tillman or any one else, as a rule, are not identified with the liquor business; on the contrary some of them are strong prohibitionists, and are advocates of peace, law, and order. I venture the opinion that not one-tenth of the sellers of liquor in this State are native Carolinians.

A few years ago the people of this old commonwealth, tired and torn by the troubles and trials incident to the war, broken in spirit and fortune, and striving to adjust themselves to the new order of things, had turned their attention to the building up of their broken fortunes, and were learning and teaching their children in the sad school of adversity, patience, and endurance. They were giving but a passive attention to politics, which they allowed to be run by men whom they had been taught to love and honor for their patriotism and sacrifices.

In 1890 Governor Tillman rose up with charges of incipient rottenness against the powers that be, entered upon an active crusade of agitation, made charges against everybody and everything the people had believed in, arrayed class against class, appealed to the prejudices of the "wool hat" and "one-gallus boys," incited the farming population against the towns; and made the most extravagant promises as to the good that would follow his election. He made overtures to the Farmers' Alliance and obtained their support. To his standard flocked all political malcontents and sore-head politicians who had for years failed to secure office from the Democratic party. He was elected. His object being accomplished and no rottenness or crookedness appearing, he had to confess that his charges were unfounded.

No realization of the many promises being apparent from his first administration, in the next campaign he told the people that the Legislature had failed to do its duty, and that if they would send him a Legislature that would do as he told them, he would give all the reforms he had promised. In this campaign of 1892 the *sine qua non* for office was belief in Governor Tillman. In most of the counties no one could be elected, no matter who or how capable, unless he professed to be a "Tillmanite."

At this Democratic primary the Prohibitionists had a box

where each voter was requested and urged to vote for or against prohibition. The result of the primary was about 10,000 majority for prohibition, and both houses of the Legislature were overwhelmingly carried by the "Tillmanites." When the Legislature met, several prohibition bills were introduced and the fight was on between prohibition and high license. The majority of the "Tillmanites" were pledged to prohibition, but Governor Tillman is not a prohibitionist; thus these subservient so-called representatives of the will of the people were "betwixt the devil and the deep sea"; they had promised their constituents to vote for prohibition, and their master did not wish prohibition. So when he, within forty-eight hours of adjournment, had prepared his now celebrated Dispensary bill, and tacked it on as an amendment to a prohibition bill, then about to be passed, by striking out all of the latter except its title, and substituting the Dispensary bill, it passed. It is not supposed that one-half dozen members of either house ever heard of such a system before, and it would have been an impossibility for such a measure, so introduced, to pass that or any other legislative body except under this peculiar condition of affairs.

This Dispensary bill has been declared unconstitutional and a subversion of the functions of government, by our Supreme Court; hence it is useless to discuss its merits or demerits. Though extremely stringent and drastic in its many provisions, having been gotten up hurriedly, it was very imperfect, yet it recognized local option. A dispensary could not be placed in a prohibition town or county, and before it could be established in any town a majority of the freehold voters had to join in a petition for it.

In 1893 when the Legislature met, another Dispensary bill was passed, and its measures were still more severe and arbitrary. One or more dispensaries could be established for each county in the State, with this difference: that to prevent its establishment a majority of the voters of the township in which such dispensary was to be located had to be obtained to a petition requesting that no dispensary be established in that township, whereupon some other place could be designated. In counties, towns, and cities where liquor-selling was prohibited by law a dispensary could be established upon a petition, signed by one-fourth of the qualified voters of such county, town, or city, being filed with the county

commissioners, or town or city council, respectively; then an election was required to be held, submitting the question to the voters of such county, town, or city, and if a majority of the ballots cast was found to be for a dispensary it was required that one be established. In two of the prohibition counties, Williamsburgh and Marion, an exception was made, and dispensaries could be established without such election. In the neighboring town of Timmonsville, where liquor-selling had been prohibited for years by its charter, a dispensary was established with the aid of negro votes and against the earnest protest of the most intelligent voters and property-owners of the town. Thus it appeared to be the policy of the administration to establish dispensaries wherever money could be made out of them.

The Dispensary Law amply provided for its enforcement, authorizing the appointment of as many constables as were deemed necessary. The methods resorted to by these constables in their search for contraband liquor were often as annoying as they were novel. Of all the reckless acts of the Governor, the selection of some of these men has been the most unpardonable. While a few of them are sensible men of experience, most of them are desperate characters.

On the morning of March 28 the authorities of Darlington received a letter from the Governor stating that the Dispensary profits would be withheld after April 1, for the reason that he had been informed that the police were obstructing the constables in the discharge of their duties. The Governor says that this letter "added to the anger of the mob." That this letter added to the anger of anybody in Darlington is an assumption on his part, as we had received letters of this nature before, and the authorities, having determined to test the question in the courts at the proper time, were not concerned about the Governor's communications. And as a matter of fact his information was incorrect; on the contrary the police, in accordance with their instructions, rendered every assistance to the constables, and accompanied them in the raids.

The Governor's statements that "large numbers of armed men gathered in the streets" and that "the five or six constables in Darlington were followed by this armed mob, which guyed, cursed, and abused them," are without foundation, the fact being that no constable or body of constables was ever followed in that

town by any armed man or body of men; and yet after this body of five or six constables had executed every process in their hands except one, and had broken into one private apartment without a warrant, meeting with no resistance, Governor Tillman ordered from Charleston his chief constable, with a force of seventeen men, armed with pistols and Winchester rifles. Before doing this he had ordered out the Darlington Guards, without the request of any civil officer in the county, and on the next day, when his band of constables arrived in Darlington, he ordered the Sumter Light Infantry to report to the sheriff at Darlington, in face of the fact that he had been assured by the sheriff of the county, the mayor of the town, and the captain of the Darlington Guards that no troops were needed, as no trouble was anticipated, and all was quiet. The ordering of these constables to Darlington was announced in the morning papers, and naturally caused apprehension and excitement all over the State, and especially in the neighboring town of Florence. The advent of this unusual number of armed men into our peaceful community excited anxiety among our best citizens, as no cause could be assigned for their coming, yet there was no assemblage of persons, and no demonstration whatever. A few of the citizens of Florence and Sumter, being apprehensive, came to Darlington, and as they with our people could see no reason for this display of force, they naturally supposed that Governor Tillman would order his constables, backed by the State militia, to search private residences, even of citizens who did not make bar-rooms of their homes. They met therefore in an orderly manner in the Courthouse, and passed resolutions to the effect that they did not propose to have their residences searched by whiskey constables, and notified the constables of their action, but at the same time informed the sheriff that any process placed in his hands could be served without resistance, even were it for the search of a private house. They had no intention of protecting any one who made a saloon of his residence, but fully intended to defend their homes. This meeting was not composed of whiskey sellers, but in it were some of the best men in the State. They assembled as they had a right to assemble, made their intentions known, and quietly dispersed to their respective homes. These are the conspirators to whom the Governor so persistently refers. Upon the following morning the only re-

maining warrant in the hands of the constables was served without the least interest or demonstration on the part of the citizens, and in the afternoon four of the constables went to one depot and nineteen to the other to take their departure.

Governor Tillman says: "Two boys, citizens of the town, got into a fight at the depot where the main body of the constables was. One of them, who was whipped, ran up town, and returned, followed by an armed mob." The fact is that the young man alluded to, on his way to town, in the omnibus, met five other young men walking to the depot, one of whom was to take the train. He got out of the omnibus, told them he had been imposed on, and wished them to return with him and see fair play. To this they agreed. It turns out that of these five young men, three had pistols on their persons and participated in the fight with the constables. One was killed, and one shot in five different places. This was the composition of the "armed mob" which followed the young man back to the depot. In the fight were two other citizens, besides the chief of police with one assistant, who were commanding the peace. These men armed with pistols, all, except one, of less than 38 calibre, were pitted against nineteen constables armed with the most improved rifles and pistols.

We will not attempt to give an account of the fight, how it occurred, or who precipitated it. The record has been made and by the Governor himself. That the investigation by the coroner, and its results, should be absolutely unprejudiced, he appointed a military board of inquiry to sit with the coroner's jury, to hear the evidence, through the coroner to examine witnesses, and to make its report to him. This board was composed of four officers and one private, who were from different sections of the State, unconnected with and unknown to our people. After reviewing the evidence, they in a written report unanimously found that the constables started the trouble, that two of them were guilty of felonious murder, and that fifteen others were accessories. When this conflict was reported up-town, a mile distant, the sheriff and mayor called on the captain of the Darlington Guards to assist them in maintaining the peace, supposing at the time that the fight was still going on. The company turned out immediately and marched to the scene with the sheriff and mayor, where they found the participants had all dispersed, and that quite a number

of citizens had started in pursuit of the constables. Posses were immediately started by the writer in all directions. Before the arrival of the officers on the scene, some of the citizens who had preceded them, being under the impression that the constables had gone across to the other depot and got on the train then due, ran to the crossing where it usually stops. The train did not stop, and they fired into it as it ran by. This was the only unlawful act committed in the town of Darlington. It was inexcusable, and was condemned by all. The only palliation is that the men who committed this deed were wrought up to a state of frenzy by seeing the dead and bleeding bodies of their friends and comrades, and supposed the perpetrators of this dastardly deed were on this train about to escape.

As has been stated, the eyes of the State were on Darlington, and when it was heralded abroad on the evening of March 30 that the constables and citizens had clashed, the impression prevailed, that Governor Tillman, in fulfilment of his many threats, had ordered the constabulary to search private houses; that our citizens were defending their homes; that the Governor wished to back up the constables with the State troops, and knowing full well that he was capable "of giving commands of such an outrageous kind as to override law, decency, and justice," when he ordered out the troops of Columbia and Charleston they refused to respond, and chose rather to cast their arms at his feet. He caused by his untoward action this impression to prevail throughout the State, and the troops were right and acted properly with the lights before them. Our volunteer troops as a rule are composed of the very best elements in the State. They are intelligent and know as well when duty calls and will respond as quickly and endure as long as any in the United States. They are the men, and those who lead them, to whom South Carolina will look, and not in vain, when her real trouble comes. They did right in refusing to obey; and had the real facts, as they were subsequently learned, been what they were at that time supposed to be, the Governor could not have massed at Darlington a corporal's guard of the regular troops, and by the time his farmers reached here they would have been met by the best men in South Carolina, and some from other States, and among them would have been found many a "wool hat" and "one-gallus boy," as he is pleased to call them. But we are thankful that the facts were not

as they were supposed to be, as the Governor tried to make them, and as he would have liked them to have been, at least until he found that there were men still left in South Carolina. In response to the many offers of assistance we wired promptly the real state of affairs. When it was ascertained that our people were willing to have troops come here, then it was that the Governor of South Carolina was enabled to march some 300 men up the hill and down again. The Governor also says, "I was informed by the sheriff that the civil authorities were powerless in Darlington, and was asked to order out the militia." One not in possession of the facts would suppose that the sheriff had requested the Governor to order out the militia. The fact is, the sheriff made no such request; and prior to the conflict, when the officers of the Darlington Guards and Sumter Light infantry reported to him under the Governor's orders, he expressed surprise and told them he had no need of them; and this fact was reported to the Governor.

Again, the Governor says, "One of the most potent factors in the suppression of the rebellion was the seizure of the telegraph lines and the railroads." It is hard to say whether the Governor was serious in making this statement or whether it was a piece of facetiousness on his part. The only point in South Carolina that this place could not at all times communicate with by wire was Columbia; and as for trains, we could have had as many as we desired at any time.

On the 31st of March, Governor Tillman issued a proclamation declaring that:

"Certain persons have assembled in the Counties of Darlington and Florence, and are now in open rebellion against the authority of the Government of this State, and it has become impracticable to enforce the ordinary course of judicial proceeding of the laws of this State," etc.

This was a wanton exercise of power, as certain persons had not assembled in the counties named in open rebellion against the authority of the government, and it never was impracticable to enforce judicial proceedings; on the contrary every process had been fully executed without resistance, by the officers charged therewith.

In restoring the civil status on April 5 he issued another proclamation in which, after reciting the terms of the first, he says:

"The commanding general has just informed me that the insurgents

have dispersed, and that peace and order are restored, and that the civil authorities are now able to employ and enforce the law."

There was about as much accuracy in this as in the other. The commanding general never made any such report. On the contrary, when the Adjutant-General of the State arrived in Darlington in advance of the commanding general and his troops, and on the night after the day of the fight, after reviewing the situation, he reported to the Governor that "to all appearances the town was unusually quiet," and in his report says "as a matter of fact it was unusually so," and that the people "seem not only quiet, but sad, depressed, and melancholy." In the face of this information the troops under the commanding general, arrived the next night, and he reported that "good order and quiet prevail in the city."

W. F. DARGAN.